

CLERKS OF UNITED STATES DISTRICT COURTS.

JANUARY 19, 1921.—Referred to the House Calendar and ordered to be printed.

Mr. CARAWAY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 15396.]

The Committee on the Judiciary, having had under consideration the bill H. R. 15396, reports the same to the House with the recommendation that the bill do pass.

The section of the act of February 26, 1919, which is amended by this bill now reads as follows:

That on and after the first day of July, nineteen hundred and eighteen, all clerks of the United States district courts shall be appointed by the judge for the district, or the senior judge if there be more than one judge in the district, subject to the approval of the senior circuit judge for the circuit in which the district is situated, and all fees and emoluments authorized by law to be paid to the clerks of the United States district courts, except the clerks of the district courts of Alaska, shall be charged as heretofore and shall be collected, as far as possible, and paid into the Treasury of the United States in such manner and at such times as hereinafter provided; and such clerks shall be paid, in lieu of the fees and emoluments now allowed by law, an annual salary as hereinafter provided: *Provided*, That this section shall not be construed to require or authorize fees to be charged or collected from the United States.

The only change proposed in the law is the elimination of the words "subject to the approval of the senior circuit judge for the circuit in which the district is situated."

Prior to the passage of the act of February 26, 1919, the appointment of the clerk of a district court was vested exclusively in the district judge, and your committee is of the opinion that such should be the law. The circuit judges do not now come in contact with the clerks of the district courts, except in the event of the circuit judge sitting for a district judge.

The duties of the clerk of the district court and his relations to the judge are of such a nature that the district judge should have full power to appoint.